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NEW HAMPSHIRE LAW LIBRARY

SEP 03 1998

CONCORD, N.H.

1953

March 25

Mr. Ray E. Tarbox, Commissioner,  
State Liquor Commission  
109 North Main Street  
Concord, New Hampshire

Dear Mr. Tarbox:

You have inquired regarding the legality of (a) the distribution of ski-timing devices to various ski lodges and inns, many of which are liquor licensees and all of which are potential licensees; and (b) the showing of films at such inns and lodges under the sponsorship of the Miller Brewing Company. It is recognized that no mention of the Miller Brewing Company would be contained in the films, per se, and no mention of the Miller Brewing Company would be inscribed on the timing devices.

It is my opinion that the Miller Brewing Company cannot, as a matter of law, be authorized to execute its contemplated plans, which broadly may be characterized as an institutional advertising scheme.

Section 42, chapter 170, Revised Laws, expressly provides that advertising of liquor or beverage within the state shall be conducted only through the medium of newspapers, magazines, periodicals, and radio broadcasting, except as specifically authorized by the Commission. Regulation 2 of the New Hampshire Liquor Commission relative to advertising expressly provides "no advertising of alcoholic beverages where there is anything of value given to the licensee or permittee. . .".

The contemplated advertising scheme would violate the intent of R.L., chapter 170, and would expressly violate a regulation of long-standing adopted by your Commission.

The President of the Miller Brewing Company should be commended for his philanthropic interest in sports.

Very truly yours,

John H. Nassikas  
Deputy Attorney General

JHN:HP